

**NOTICE OF DETERMINATION HEARING AND POSSIBLE DISCIPLINARY ACTION**

(Reproduce in one page (front and back) format to maintain form integrity)

(Employee Name)	TO:	Mary Beth Brackin	SSN:	160382
(Department Head)	FROM:	Judge Rose Evans-Gordon		
	DATE:	April 29, 2005		

**SECTION I - NOTICE OF CATEGORY FOR CHARGES**

(✓ All that apply)

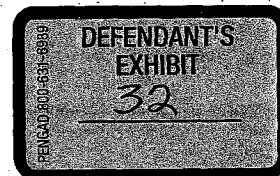
MINOR CATEGORY		* 3rd Offense, Final Warning & 1-5 Day Suspension
		* 4th Offense, Grounds for Discharge
MAJOR CATEGORY		* 1st Offense, Final Warning & 1-20 Day Suspension
	X	* 2nd Offense, Grounds for Discharge
INTOLERABLE CATEGORY		* 1st Offense, Grounds for Discharge
SICK LEAVE ABUSE		* 4th Offense, Grounds for Discharge
VEHICLE ACCIDENT		* 2 - 5 Points, Suspension
		* Over 5 Points, Suspension or Termination

\* PF #147 (or PF#147-A for Sick Leave Abuse, or PF#148 Vehicle Accident) is submitted when an employee commits any category offense requiring due process and is attached to PF#153 for Major and Intolerable Offenses. If after due process the Department Head or Personnel Board determines the employee did not violate any rules, all copies of the applicable PF#147/PF#147-A/PF#148 are destroyed.

**SECTION II - NOTICE OF CHARGES**

You are hereby notified that possible disciplinary action is contemplated against you on the charges specified below and that such action could result in suspension, demotion or dismissal. It has been brought to my attention as Department Head that you have possibly violated the Personnel Rules and/or Civil Service Act of the City of Dothan, Alabama, in that [Give specific details of the offense(s) to include date(s), location(s), person(s) involved, cite rule(s) violated. Additional sheets may be attached if needed].

See attached.

**SECTION III - NOTICE OF HEARING ON CHARGES**

You are hereby given twenty-four (24) hours advance notice that a Determination Hearing will be held

(Day of week, Calendar Date and Time of Hearing)	on:	Monday, May 2, 2005 at 2:00 p.m.
(Location where hearing will be held)	at:	126 N St Andrews St Civic Ctr 1st Fl Room 111

At the time of the Determination Hearing you will have the opportunity to respond to the above charge(s) orally and/or in writing if you so desire. If you wish to reply to the charges in writing, you must have the documents prepared and ready to present at the time designated for the hearing. You may submit sworn affidavits in reply to these charges if you so elect. You are hereby advised that you have the right not to respond to these charges if you so elect. If you desire, you may be accompanied by an impartial observer of your choosing. This hearing will not be of an adversary nature and no examination or calling of witnesses to testify will be permitted.

You will be notified in writing of the Department Head's disciplinary decision within three (3) working days after the date of this hearing. In the event disciplinary action is taken against you, the procedures for review and appeal as provided by the Personnel rules and/or Civil Service Act of the City of Dothan are available to you.

Signature of Department Head

A handwritten signature in cursive script that reads "Rose Evans-Gordon".

**NOTICE OF DETERMINATION HEARING AND POSSIBLE DISCIPLINARY ACTION**

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**SECTION IV - DOCUMENTATION OF NOTICE BEING SERVED**

(Complete either Part A or both Part B and C of this section)

**PART A.**

I certify that I served Mary Beth Brackin a copy of this Notice of hearing at  
(Employee Name)  
1:16 pm O'clock (☐ am ☒ pm) on 4.29.05  
(Time Served) (Date Served - M/D/Y)

which is at least twenty-four (24) hours prior to the date and time specified on the front of this form.

[Signature]  
 (Signature of Department Head or Supervisor)

**OR****PART B.**

I certify that due to the unavailability of the employee I have delivered a copy of this Notice of Determination Hearing (Personnel Form #153) to the City of Dothan Police Department for service on the employee named on the front of this Notice at least twenty-four (24) hours in advance of the time and date specified on this notice.

\_\_\_\_\_  
 (Signature of Department Head or Supervisor)

**PART C.**

I certify that a copy of this Notice of Determination Hearing was served on the employee named on the front of this Notice at

\_\_\_\_\_  
(Time of Service) on \_\_\_\_\_  
(Date Served - M/D/Y)

\_\_\_\_\_  
 (Signature of Server [Member, Dothan Police Department])

**SECTION V - DOCUMENTATION OF NOTICE BEING RECEIVED**

I acknowledge that I received a copy of this Notice of Determination Hearing at least twenty-four (24) hours prior to the date and time of said hearing.

Signature of Employee: Mary Beth Brackin Date: 4-29-05

Distribution of PF#153: ☐ Original to Personnel Department

☐ Copy to Department Head ☐ Copy to Employee



**Attachment to Notice of Determination Hearing and Possible Disciplinary  
Action**

**Mary Beth Brackin April 29, 2005**

Police Department investigation has revealed that you, Ms Mary Beth Brackin, violated the City of Dothan Personnel Rules and Regulations Section 3-42(14) insubordination; in that you willfully by your own admission disobeyed a directive from your Department Head to refrain from any contact with Ms. Mary Turner during the Police Department investigation of Ms. Turner. You admittedly understood this directive and chose to disregard it by calling Ms. Turner. This is a major offense.

Investigation by the Dothan Police Department has revealed that you, Ms. Mary Beth Brackin, violated the City of Dothan Personnel Rules and Regulations Section 3-42.(6) negligence in carrying out assigned tasks or duties or responsibilities of one's position in that you failed to account for a uniform traffic citation issued by a Dothan Police Officer and which you affirmed receipt of in accordance with guidelines issued by the Alabama Administrative Office of Courts and usual and customary practice of the Dothan City Magistrates' Office. This is a major offense.

The above offenses constitute the second major offense within a twenty-four month period and as such incur the possibility of dismissal.

**DOTHAN/Martin & Brackin 0823  
Confidential Subject to Protective  
Order**

**The City of Dothan Employee Disciplinary Action Report Form***Authority: Regulation III - DISCIPLINARY POLICY***SECTION III - EMPLOYEE INFORMATION**

Employee Name <b>Mary Beth Brackin</b>	Employee ID Number <b>100382</b>	Hire Date <b>05/01/1992</b>	Department <b>Judicial</b>
Employee Job Title <b>Magistrate</b>		Counseling Supervisor Name & Job Title <b>Rose Evans-Gordon, Municipal Judge</b>	

**SECTION IV - OFFENSE AND TYPE OF ACTION**

Check (✓) Category and Offense. Circle (○) Rule Number(s) violated.

☐ MINOR CATEGORY      ☐ 1st Offense      ☐ 2nd Offense      ☐ 3rd Offense      ☐ 4th Offense

Violation of Rule: Section 3-41.    1   2   3   4   5   6   7   8   9   10   11   12   13   14   15   16   17   18

☒ MAJOR CATEGORY      ☐ 1st Offense      ☒ 2nd Offense

Violation of Rule: Section 3-42.    1   2   3   4   5   6   7   8   9   10   11   12   13   14   15   16   17   18   19

☐ INTOLERABLE CATEGORY    ☐ 1st Offense

Violation of Rule: Section 3-43.    1   2   3   4   5   6   7   8   9   10   11   12   13   14   15   16   17   18   19   20

Check (✓) Type of Disciplinary Action For This Offense

☐ FORMAL COUNSELING    ☐ WRITTEN WARNING    ☐ FINAL WRITTEN WARNING
**SECTION V - DETAILS OF THIS DISCIPLINARY ACTION REPORT**

In the space below or on additional sheets provide detailed documentation of the rule(s) violated to include dates and the specific actions of the employee. Include details of recommendations for corrective action and consequence of future violations.

Police Department investigation has revealed that you, Ms Mary Beth Brackin, violated the City of Dothan Personnel Rules and Regulations Section 3-42(14) insubordination; in that you willfully by your own admission disobeyed a directive from your Department Head to refrain from any contact with Ms. Mary Turner during the Police Department investigation of Ms. Turner. You admittedly understood this directive and chose to disregard it by calling Ms. Turner. This is a major offense.

Investigation by the Dothan Police Department has revealed that you, Ms. Mary Beth Brackin, violated the City of Dothan Personnel Rules and Regulations Section 3-42(6) negligence in carrying out assigned tasks or duties or responsibilities of one's position in that you failed to account for a uniform traffic citation issued by a Dothan Police Officer and which you affirmed receipt of in accordance with guidelines issued by the Alabama Administrative Office of Courts and usual and customary practice of the Dothan City Magistrates' Office. This is a major offense.

The above offenses constitute the second major offense within a twenty-four month period and as such incur the possibility of dismissal.

Supervisor Signature	Date signed	Department Head Signature	Date Signed
		<i>Rose Evans-Gordon</i>	<i>4/29/05</i>

I acknowledge I was counseled or warned in reference to the rule violation(s) cited above. I understand my signature on this form acknowledges the counseling or warning took place for the reasons given. I understand my signature does not mean I agree or disagree with the statements documented on this form. I also understand I may provide a written explanation of the offense for which the counseling or warning report has been issued and attach this written statement to this form. I understand this Personnel Form #147 and any attachments will be forwarded to the Personnel Department and become a part of my permanent employment record.

EMPLOYEE SIGNATURE: *Mary Beth Brackin* Date Signed: *4/29/05*

Distribution: ☐ ORIGINAL to Personnel Department    ☐ COPY to Employee    ☐ COPY to Department Head

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## The City of Dothan Employee Disciplinary Action Report Form

*Authority: Regulation III – DISCIPLINARY POLICY*

to use the Tables below: Complete SECTION I by listing the employee's minor offense history for the past twelve months and/or offense history for the past twenty-four months. Refer to the SECTION II - DISCIPLINARY ACTIONS SUMMARY TABLE to determine the appropriate disciplinary action to be taken and whether the disciplinary action must follow the Due Process Procedure as set out in Personnel Regulation IV.

Note: "Minor", "Major", or "Intolerable" offenses have separate disciplinary action progressions. See the SUMMARY TABLE in SECTION II below. The offense free time period required to clear a disciplinary record of MINOR offenses is 12 months and MAJOR offenses is 24 months from the "date of record" for last offense committed. ("Date of Record" is date form signed by department head.)

### SECTION I - REVIEW OF EMPLOYEE DISCIPLINARY HISTORY

A review of this employee's active Disciplinary History includes the following MINOR category offense(s) and/or the following Major category offense(s). If the employee has no active disciplinary history, write N/A.

Category	Type of Action	Dated	Specific Violation - Cite Rule and Offense
MINOR	Formal Counseling		
MINOR	Written Warning		
MINOR	Final Written Warning or Final Written Warning & 1-5 Day Suspension		
MAJOR	Final Written Warning & 1-20 Day Suspension	4/23/2004 22	3-42(6) Action(s) or lack of action(s) that could cause undue financial loss to the City and 3-42(14) insubordination

The SUMMARY TABLE below shows: (1) The disciplinary progression (1st, 2nd, 3rd, etc., offense) and resulting disciplinary action for MINOR, MAJOR, and INTOLERABLE offenses; and (2) Whether a disciplinary action requires a Due Process Hearing before being administered.

### SECTION II - REVIEW OF ACTION SUMMARY TABLE

DUE PROCESS HEARING NOT REQUIRED	First Offense MINOR	Second Offense MINOR	Third Offense MINOR	Fourth Offense MINOR
	Formal Counseling	Written Warning	Final Warning or (See below)	See Below
DUE PROCESS HEARING REQUIRED PRIOR TO ADMINISTERING	First Offense MAJOR	Second Offense MAJOR	Third Offense MINOR	Fourth Offense MINOR
	Final Warning and 1-20 Day Suspension.	Discharge	Final Warning and 1-5 Day Suspension	Discharge
	First Offense INTOLERABLE	Due Process Hearings are implemented in accordance with Personnel Regulation IV		
	Discharge			

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